

Town of Amherst
Zoning Board of Appeals - Special Permit
DECISION

Applicant: William Gillen, for the Trustees of Amherst College

Date application filed with the Town Clerk: October 17, 2005

Nature of request: A Special Permit under Section 3.3241 and 9.22 of the Zoning Bylaw to convert a single-family residence to a two-family residence

Address: 75 Woodside Avenue (Map 14C, Parcel 23, R-G Zoning District)

Legal notice: Published November 2nd and 9th, 2005 in the Daily Hampshire Gazette and sent to abutters on November 31, 2005.

Board members: Tom Simpson, Ted Rising and Russ Frank

Submissions: The petitioner submitted a Management Plan and proposed plans for the conversion drawn by Ford Gillen Architects, Inc., dated 11/07/05

The Fire Department submitted a memo dated 11/9/05 noting some access and address issues.

Site Visit: November 15, 2005

The Board met with architect William Gillen and Gary Doherty from the Rental Property Office of Amherst College. They observed the following:

- A nineteenth century hip-roofed clapboard house, on a quiet street of Amherst College houses, most with non-conforming lots
- A jagged southern property boundary, with a shared driveway mainly on the subject property, but with half of the garage located on the abutting property to the south
- A flat, deep lot
- The proposed parking area for the two spaces required for a second dwelling unit

Public Hearing: November 17, 2005

Board member Russ Frank disclosed that his wife had been involved in litigation against Amherst College regarding an employment dispute eight years ago. The dispute was resolved to the mutual satisfaction of the parties, and he does not believe it will impact his impartiality in any way.

Architect Bill Gillen presented the petition. He said that Amherst College has a need to house the young faculty of the College, but that they no longer desire large houses. So the College wishes to convert this large house to a two-family dwelling for faculty housing.

Mr. Gillen gave the following information:

- The lot is non-conforming as to lot-size and frontage. The lot area is 14,324 square feet; 14,500 sq. ft. is required by the Zoning Bylaw for a two-family dwelling in an R-G Zone
- The lot frontage is 96 feet. The Bylaw requires 100 feet of frontage in an R-G District

- The front and most sideyard setbacks are met, except that the garage straddles the property line and is non-conforming as to sideyard setback.
- There will be one external change to the building – a new back door and stoop, plus a sidewalk from the parking area in the back, so that both dwelling units will have two means of egress.
- The two new parking places off the driveway will be blacktopped, as will the new sidewalk.
- The division within the house will require a one-hour rated demising or fire wall.

Board Chair Mr. Simpson noted that the jagged property line on the south side could be a problem in the future, given that Amherst College may wish to sell more homes on Woodside Avenue. The Board agreed that the property line should be straightened so that the garage is located totally within the lot under consideration. Bonnie Weeks, Building Commissioner, stated that driveway should have an easement for the abutting property to the south as well.

No one from the public spoke to this proposal.

Mr. Frank moved to close the evidentiary portion of the hearing. Mr. Rising seconded the motion, and the vote to close the hearing was unanimous.

Public Meeting:

The Board discussed whether this proposal should be considered under Section 9.22 or under Section 3.3241 of the Zoning Bylaw. They concluded that though the lot size, frontage and garage placement are non-conforming, the non-conformity will not be extended at all, and the more stringent conditions of Section 3.3241 are appropriate. In addition, straightening out the lot line to include the garage within the property will make the property less non-conforming.

Section 3.3241 has several requirements for conversion, and this Board reviewed them in terms of whether the application meets the criteria. That is:

1. An existing residence may be converted.
2. A conversion shall not exceed 6 units in the R-G District. This proposal requests 2 units.
3. n/a
4. The Board may authorize alteration of a building if it does not substantially change the building's character or its effect on the neighborhood. The only external change to the building is the addition of a second means of egress in the back of the house. Two additional parking places will be added behind the house.
5. The proposed conversion is suitably located in the neighborhood. It is: a) located close to heavily traveled streets – Route 9 and South Pleasant Street; b) it is close to the downtown business district and an educational district; c) the area is already developed for multi-family use
6. The dwelling units are connected to the public sewer.
7. The Board may modify the dimensional requirements of Table 3 of the Zoning Bylaw one time to add a unit.
8. The detached structure, the garage, will remain a garage.
9. The management plan has been included with the application.
10. The landscaping on site is mature and will not be affected by this proposal.
11. n/a

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood because there are other multi-family dwellings along Woodside Avenue.

10.382 & 10.384 – The proposal would not constitute a nuisance and would provide adequate facilities because the proposal is for junior faculty housing provided by Amherst College. A two-car garage and two parking spaces will provide the required parking for four cars.

10.383 & 10.385 – The proposal will not be an inconvenience to abutters, vehicles or pedestrians because no external changes will be made. The sidewalk in front remains for pedestrians, and more parking will be available. The abutter to the south will not be impacted by the change in the property line only in the deed, since the backyards are open and the size of the two lots will remain approximately the same.

10.387, 10.387 & 10.388 – The proposal is in conformance with parking regulations for two dwelling units – 4 spaces – and no signs are needed. The proposal provides for adequate movement of vehicles within the site, and adequate space for loading/unloading of goods.

10.389 – The house is connected to town water/sewer; refuse/recycling service will be provided by Amherst College as described in the approved management plan.

10.391 – The proposal protects the historic features of the house.

10.392 & 10.393 – The property already provides adequate landscaping to screen adjacent residences since it is located in a well-established neighborhood.

10.395 – The proposal does not create disharmony with respect to the scale and architecture of existing buildings in the vicinity, because no exterior changes will be made other than a new door.

10.397 – Adequate family recreational facilities are available since the back yard is open and flat.

10.398 – the proposal is in harmony with the general purpose and intent of the Bylaw, because the proposed addition of a dwelling unit for Amherst College faculty and improvements to the building will enhance the convenience and general welfare of the Town's residents.

Zoning Board Decision:

Mr. Rising MOVED to approve the proposal with conditions. Mr. Frank seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to APPROVE a Special Permit, with conditions, to convert a single-family residence to a two-family residence under Sections 3.3241 and 9.22 of the Zoning Bylaw, on the premises at 75 Woodside Avenue (Map 14C /Parcel 23, R-G Zoning District), as requested in the application filed by William Gillen on behalf of Amherst College.

TOM SIMPSON

TED RISING

RUSS FRANK

FILED THIS _____ day of _____, 2005 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2005.
NOTICE OF DECISION mailed this _____ day of _____, 2005
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2005,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to convert a single-family residence to a two-family residence under Sections 3.3241 and 9.22 of the Zoning Bylaw, on the premises at 75 Woodside Avenue (Map 14C /Parcel 23, R-G Zoning District), as requested in the application filed by William Gillen on behalf of Amherst College, subject to the following conditions:

1. A new Approval Not Required (ANR) plan shall be filed on which the southern boundary line shall be straightened and moved to include the entire garage on 75 Woodside Avenue. The plan with the corrected property boundary shall be submitted to the Board for approval at a public meeting prior to issuance of a certificate of occupancy for the second dwelling unit
2. A formal driveway easement for the abutting property to the south shall be created, shown on the revised ANR plan and site plans, and submitted to the Board prior to issuance of the certificate of occupancy for the second unit.
3. The street numbers for both units shall be properly displayed and visible from both directions on Woodside Avenue
4. Additional exterior lighting shall be down-cast.
5. The property shall be managed according to the Management Plan approved by the Board November 17, 2005.
6. This Special Permit is subject to Section 14 of the Zoning Bylaw, Phased Growth. Development authorization is available as of January, 2006.

Tom Simpson, Chair
Amherst Zoning Board of Appeals

DATE